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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,356	02/21/2001	Johannes-Albert Mieden	SCHULTE	5298

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James C Wray  
Suite 300  
1493 Chain Bridge Road  
McLean, VA 22101

EXAMINER

CHIN SHUE, ALVIN C

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 09/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/763,356

Applicant(s)

MIEDEN, JOHANNES-ALBERT

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 20-39 is/are pending in the application.
- 4a) Of the above claim(s) 35-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

Art Unit: 3634

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 20-39 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed is replete with vague description of the claimed invention, too numerous to mention all, e.g. on page 14, “or better”, “special shapes”, “common design”, “about to scale”; page 15, “partially tightened or braced and pictured”, “shaped parts” throughout the specification is vague as it does not specify what shapes these parts are; “even contact surfaces”, “newly created contact surfaces”, “specially shaped inlet”, “quasi layered contact surface”, “layered shape of the contact surface”, “or better the end piece”, “expanded towards the shaft”, “features parts”, etc.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

Art Unit: 3634

which applicant regards as the invention. The claims are replete with vague limitations too numerous to mention e.g., in claim 20, it is unclear how the fastener, if the fastener is the bracing element 6, connects the third half brace, if the third half brace is member 7, to the first and second half brace (3,4). Are the bracing elements and the fastener different elements, as suggested by the claim? Is the fastener for tightening the first and second braces comprises "bolts"? from the drawings it appears that only one bolt is used for tightening the first and second braces. The limitation of preventing jamming "inside" the projecting parts is not understood. The phrase "the bracing elements" lacks antecedent basis; in claim 21, what are the wedges "fitting into" the bell shaped parts? "shaped portions"; turning motion "inside" the bell shaped parts; the limitations of claim 22, 26, 27, 28, are not understood, in claim 24, "vertical bevel", "short bevel", "longitudinal bevel", etc.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-34, as understood and assuming to be definite are rejected under 35 U.S.C. 102(b) as being clearly anticipated by either British pat' 620 to Burton, Swiss pat. '223, Miller, or Lowe.

Applicant's election with traverse of fig.2 in Paper No. 10 is acknowledged. The traversal is on the ground(s) that figs 2 and 9 are not materially different product. This is not found persuasive because it is unclear if applicant is stating that they are, or not patentable distinct species, which are the grounds for traversal. If deemed that they are not patentable distinct species, then applicant should clearly state so.

The requirement is still deemed proper and is therefore made FINAL.

Applicant's arguments filed 2.4.02 have been fully considered but they are not persuasive. Lowe, as understood, shows contact surface at 13, and bolt 17,18 which prevents twisting motion, Miller shows bolt at 21,22 which prevents twisting motion and contact surface at 14.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is

Art Unit: 3634

assigned are 703-305-3597 for regular communications and 703-305-3597 for

After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-

3008-1113.

A handwritten signature in black ink, appearing to read 'Alvin C. Chin-Shue', with a long horizontal line extending to the right.

Alvin C. Chin-Shue  
Primary Examiner  
Art Unit 3634

ACS  
September 9, 2002